THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.23227 of 2005

Date:31.10.2005

M.Chandraiah.

----------Petitioner

The Depot Manager, APSRTC, Husnabad Deport,

Husnabad, Karimnagar Dsitrict.

----------Respondents

ORDER:

The petitioner is employed as a conductor in APSRTC. He was issued a Charge Sheet, dated 19.08.1998, alleging certain cash and ticket irregularities, and that he was required to submit the explanation as to why necessary disciplinary action shall not be taken against him. The petitioner submitted his explanation to the same. On a consideration of the same, the respondent passed an order, dated 07.01.1999, imposing the penalty of stoppage of annual increment for a period of two years with cumulative effect. The petitioner challenges the same.

The only point urged by Sri P.Govinda Rajulu, the learned counsel for the petitioner, is that the respondent imposed the penalty of stoppage of annual increment for a period of two years with cumulative effect, without conducting departmental enquiry. He placed reliance upon the judgment of the Apex Court i n ***KULWANTH SINGH GILL v. STATE OF PUNJAB*** and submits that stoppage of increment is a major penalty and it cannot be imposed, except by conducting departmental enquiry.

Sri P. Rajini Reddy, the learned Standing Counsel appearing for the respondent, on the other hand, submits that the penalty imposed against the petitioner itself is minimal, if the lapse on his part is taken into account.

It is a matter of record that the respondent imposed the penalty of stoppage of annual increment for a period of two years with cumulative effect on the basis of the charges levelled against `him. Though the charge sheet was issued to the petitioner before the penalty was imposed, no departmental enquiry was conducted. In ***KULWANTH SINGH GILL's case*** (supra), the Supreme Court held that stoppage of increments with cumulative effect is a major penalty and it cannot be imposed, except by conducting departmental enquiry. In view of the same, the impugned order cannot be sustained.

In the ordinary course of things, the impugned order needs to be set aside, leaving it open to the respondent to pass fresh orders. To avoid further delay and complication in the matter, this Court is of the view that the impugned order can be treated as the one for stoppage of one increment for a period of two years without cumulative effect.

Hence, the writ petition is partly allowed, directing that the order, dated 07.01.1999, passed by the respondent shall be treated as the one for stoppage of one increment for a period of two years without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit that had accrued up to the date of this order. There shall be no order as to costs.

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31.10.2005

Prv